In the

SUPREME COURT OF THE UNITED STATES

October Term, 1974

Supreme Court, U. S.
FILED
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MICHAEL RODAK, JR.

No. 74-70

LEWIS H. GOLDFARB AND RUTH S. GOLDFARB,

Petitioners,

v.

VIRGINIA STATE BAR AND FAIRFAX COUNTY BAR ASSOCIATION,

Respondents

ON WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE FOURTH CIRCUIT

MOTION OF THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK FOR RECONSIDERATION OF MOTION FOR LEAVE TO FILE A BRIEF AMICUS CURIAE

Association of the Bar of
the City of New York
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February 3, 1975

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MOTION OF THE ASSOCIATION OF THE
BAR OF THE CITY OF NEW YORK FOR
RECONSIDERATION OF MOTION FOR
LEAVE TO FILE A BRIEF AMICUS CURIAE

The Association of the Bar of the City of New York ("City Bar") respectfully moves this Court, in light of new developments, for reconsideration of its Motion for Leave to File its Brief Amicus Curiae in the above-captioned case. Unless, on reconsideration, this Court accepts the brief of the City Bar, as well as a brief by the District of Columbia Bar similarly urging Petitioners' position, the Court will have before it the amicus briefs offered by those bar groups that would immunize lawyers from the laws against price-fixing while excluding the briefs of the bar groups that find no justification for this special exemption.

This anomolous situation came about because Respondent Fairfax County Bar Association refused to consent to the filing of amicus briefs by the bar associations that oppose its claim of antitrust immunity, whereas Petitioners granted such permission even to those that urge immunity. Thus, the bar groups favoring Respondents were able to get the consent of all parties and were entitled to file their briefs without order of the Court pursuant to Rule 42 of the Rules of the Court.

The City Bar moved for leave to file its brief Amicus Curiae in favor of Petitioners, with its brief attached to the motion, on December 20, 1974. The District of Columbia Bar so moved on December 27, 1974. On January 13, 1975, the Court denied both motions, without stating its reasons therefor. On or about January 31, 1975, five bar groups filed briefs Amicus Curiae in favor of or tending to favor Respondents. On a matter of such importance to the even-handed administration of justice directly involving the propriety of functions of the organized bar, we respectfully submit that the Court should have before it all views, and not just one part of the spectrum of views, of the bar.

We urge this Court to consider its prior action in light of the above events, and on reconsideration to grant the motion of the City Bar for leave to file its brief Amicus Curiae.

Respectfully submitted,

Eleanor M. Fox

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the City of New York
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I certify that the above motion is filed in good faith and not for delay.

Eleanor M. Fox

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